

UNITED STATES DISTRICT COURT
Northern District of California

BSD, INC., et al.,

No. C 10-5223 SBA (MEJ)

Plaintiffs,

ORDER DISCHARGING OSC

v.

EQUILON ENTERPRISES, LLC, et al.,

Defendants.

On August 21, 2013, Defendant Equilon Enterprises, LLC filed a Motion for Attorney's Fees and Costs against Plaintiff Youstine, Inc. Dkt. No. 144. The Honorable Sandra Brown Armstrong, the presiding judge in this case, subsequently referred the matter to the undersigned to prepare a report and recommendation. Dkt. No. 146. However, as Youstine failed to file an opposition pursuant to Civil Local Rule 7, the Court ordered Youstine to show cause why Equilon's Motion should not be granted in compliance with Judge Armstrong's Standing Order¹, as well as for failure to comply with court deadlines. The Court ordered Youstine to file a declaration by September 19, 2013, and scheduled a hearing on October 3, 2013. Dkt. No. 150.

On September 24, 2013, Equilon filed a Notice of Bankruptcy Filing by Youstine, Inc., in which Equilon states that it has been notified by Youstine's former counsel that on September 17, 2013, Youstine filed a voluntary petition under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Central District of California. Dkt. No. 151. As Youstine's filing operates as an automatic stay of this action pursuant to Section 362(a) of the

¹ Pursuant to Judge Armstrong's Civil Standing Order, "[t]he failure of the opposing party to file a memorandum of points and authorities in opposition to any motion shall constitute a consent to the granting of the motion." See Judge Armstrong's Civil Standing Order, effective September 21, 2012, at ¶ C.6.

1 Bankruptcy Code, including Equilon's Motion for Attorney's Fees and Costs, the Court
2 DISCHARGES the Order to Show Cause. Should the bankruptcy stay be lifted, Equilon may re-
3 notice its Motion.

4 **IT IS SO ORDERED.**

5
6 Dated: September 24, 2013

7 
8 _____
9 Maria-Elena James
10 United States Magistrate Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28